

CHALKER FLORES, LLP

INTELLECTUAL PROPERTY LAW

Fax

DATE: April 17, 2003

TO	Box / Fax No.	RE:
US Patent and Trademark Office	TC1600 Before Final: 703-872-9308	Serial No. 09/776,202
		Filing Date: 2/2/01
		Inventor: Garner

FROM	Edwin Flores eflores@chalkerflores.com
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Attached for filing please find:

- (1) Fee Transmittal - 1 pg.
- (2) PTO Form 2038 - 1 pg.
- (3) Petition for Extension of Time Under 37 CFR 1.136(a) - 1 pg.
- (4) Response to Office Action of 10-23-02 - 5 pgs.
- (5) Declaration Under 37 CFR 1.131 of Prior Invention ... - 10 pgs.

Thank you,

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PTO/SB/17 (01-03)

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<h2 style="margin: 0;">FEE TRANSMITTAL</h2> <h3 style="margin: 0;">for FY 2003</h3> <p style="font-size: small; margin: 5px 0;">Effective 01/01/2003. Patent fees are subject to annual revision.</p> <p><input checked="" type="checkbox"/> Applicant Claims small entity status. See 37 CFR 1.27</p>	<p style="text-align: center; font-weight: bold; font-size: small;">Completes If Known</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>Application Number</td><td>09/776,202</td></tr> <tr><td>Filing Date</td><td>2/2/01</td></tr> <tr><td>First Named Inventor</td><td>Gamer</td></tr> <tr><td>Examiner Name</td><td>Foman, Betty J.</td></tr> <tr><td>Art Unit</td><td>1634</td></tr> <tr><td>Attorney Docket No.</td><td>UTSW:1028</td></tr> </table>	Application Number	09/776,202	Filing Date	2/2/01	First Named Inventor	Gamer	Examiner Name	Foman, Betty J.	Art Unit	1634	Attorney Docket No.	UTSW:1028
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TOTAL AMOUNT OF PAYMENT (\$) 465.00													

<p>METHOD OF PAYMENT (check all that apply)</p> <p> <input type="checkbox"/> Check <input checked="" type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None </p> <p><input type="checkbox"/> Deposit Account</p> <p>Deposit Account Number: _____</p> <p>Deposit Account Name: _____</p> <p>The Commissioner is authorized to: (check all that apply)</p> <p> <input checked="" type="checkbox"/> Charge fee(s) indicated below <input type="checkbox"/> Credit any overpayments <input type="checkbox"/> Charge any additional fee(s) during the pendency of this application <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account. </p> <p style="text-align: center; font-weight: bold; font-size: small;">FEE CALCULATION</p> <p>1. BASIC FILING FEE</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Description</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr><td>1001</td><td>750</td><td>2001</td><td>375</td><td>Utility filing fee</td><td></td></tr> <tr><td>1002</td><td>330</td><td>2002</td><td>165</td><td>Design filing fee</td><td></td></tr> <tr><td>1003</td><td>520</td><td>2003</td><td>260</td><td>Plant filing fee</td><td></td></tr> <tr><td>1004</td><td>750</td><td>2004</td><td>375</td><td>Reissue filing fee</td><td></td></tr> <tr><td>1005</td><td>160</td><td>2005</td><td>80</td><td>Provisional filing fee</td><td></td></tr> <tr> <td colspan="4">SUBTOTAL (1)</td> <td>(\$)</td> <td></td> </tr> </tbody> </table> <p>2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE</p> <p> Total Claims Independent Claims: 20 = 9 X 42 = 378 Multiple Dependent Claims: 0 = 0 </p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Description</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr><td>1202</td><td>18</td><td>2202</td><td>9</td><td>Claims in excess of 20</td><td></td></tr> <tr><td>1201</td><td>84</td><td>2201</td><td>42</td><td>Independent claims in excess of 3</td><td></td></tr> <tr><td>1203</td><td>280</td><td>2203</td><td>140</td><td>Multiple dependent claim, if not paid</td><td></td></tr> <tr><td>1204</td><td>84</td><td>2204</td><td>42</td><td>**Reissue independent claims over original patent</td><td></td></tr> <tr><td>1205</td><td>18</td><td>2205</td><td>9</td><td>**Reissue claims in excess of 20 and over original patent</td><td></td></tr> <tr> <td colspan="4">SUBTOTAL (2)</td> <td>(\$)</td> <td></td> </tr> </tbody> </table> <p style="font-size: x-small;">** or number previously paid, if greater; For Reissues, see above</p>	Large Entity		Small Entity		Fee Description	Fee Paid	Fee Code	Fee (\$)	Fee Code	Fee (\$)	1001	750	2001	375	Utility filing fee		1002	330	2002	165	Design filing fee		1003	520	2003	260	Plant filing fee		1004	750	2004	375	Reissue filing fee		1005	160	2005	80	Provisional filing fee		SUBTOTAL (1)				(\$)		Large Entity		Small Entity		Fee Description	Fee Paid	Fee Code	Fee (\$)	Fee Code	Fee (\$)	1202	18	2202	9	Claims in excess of 20		1201	84	2201	42	Independent claims in excess of 3		1203	280	2203	140	Multiple dependent claim, if not paid		1204	84	2204	42	**Reissue independent claims over original patent		1205	18	2205	9	**Reissue claims in excess of 20 and over original patent		SUBTOTAL (2)				(\$)		<p style="text-align: center; font-weight: bold; font-size: small;">FEE CALCULATION (continued)</p> <p>3. ADDITIONAL FEES</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Description</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr><td>1051</td><td>130</td><td>2051</td><td>65</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>1052</td><td>50</td><td>2052</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>1053</td><td>130</td><td>1053</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td>1812</td><td>2,520</td><td>1812</td><td>2,520</td><td>For filing a request for ex parte reexamination</td><td></td></tr> <tr><td>1804</td><td>920*</td><td>1804</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>1805</td><td>1,840*</td><td>1805</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>1251</td><td>110</td><td>2251</td><td>55</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>1252</td><td>410</td><td>2252</td><td>205</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>1253</td><td>930</td><td>2253</td><td>465</td><td>Extension for reply within third month</td><td>\$465</td></tr> <tr><td>1254</td><td>1,450</td><td>2254</td><td>725</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>1255</td><td>1,970</td><td>2255</td><td>985</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>1401</td><td>320</td><td>2401</td><td>160</td><td>Notice of Appeal</td><td></td></tr> <tr><td>1402</td><td>320</td><td>2402</td><td>160</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>1403</td><td>280</td><td>2403</td><td>140</td><td>Request for oral hearing</td><td></td></tr> <tr><td>1451</td><td>1,510</td><td>1451</td><td>1,510</td><td>Petition to Institute a public use proceeding</td><td></td></tr> <tr><td>1452</td><td>110</td><td>2452</td><td>55</td><td>Petition to revive - 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SUBMITTED BY		Completes (if applicable)	
Name (Print/Type)	Edwin Flores	Registration No. (Attorney/Agent)	38,453
Signature		Telephone	(214) 866-0001
		Date	4/17/03

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PTO-2038 (02-2000)

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<small>Refund Policy: The Office may refund a fee paid by mistake or in excess of that required. A change of purpose after the payment of a fee will not entitle a party to a refund of such fee. The Office will not refund amounts of twenty-five dollars or less unless a refund is specifically requested, and will not notify the payor of such amounts (37 CFR 1.26). Refund of a fee paid by credit card will be via credit to the credit card account. Service Charge: There is a 50.00 service charge for processing each payment refused (including a check returned "unpaid") or charged back by a financial institution (37 CFR 1.21(m)).</small>				

Credit Card Billing Address

Street Address 1: <u>3305 Townsend</u>	
Street Address 2:	
City: <u>Dallas</u>	
State: <u>TX</u>	Zip/Postal Code: <u>75229</u>
Country: <u>USA</u>	
Daytime Phone #: <u>(214) 866-0001 / 214 358 9894</u>	Fax #: <u>(214) 866-0010</u>

Request and Payment Information**Description of Request and Payment Information:**3 month extension of time

Patent Fee	Patent Maintenance Fee	Trademark Fee	Other Fee
Application No. <u>09/776,202</u>	Application No.	Serial No.	IDON Customer No.
Patent No.	Patent No.	Registration No.	
Attorney Docket No. <u>UTSW:1028</u>		Identify or Describe Mark	

If the cardholder includes a credit card number on any form or document other than the Credit Card Payment Form, the United States Patent & Trademark Office will not be liable in the event that the credit card number becomes public knowledge.

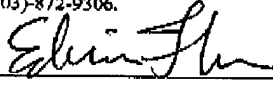
Appl. No.: 09/776,202
Response dated April 17, 2003
Office Action Oct. 23, 2002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/776,202
Applicant : Harold R. Garner
Filed : February 2, 2001
Title : DIGITAL OPTICAL CHEMISTRY MICROMIRROR IMAGER

Group Art Unit : 1634
Examiner : Forman, Betty J.

Docket No. : UTSW:1028

<p align="center">Certificate of Facsimile Transmission 37 CFR 1.8</p> <p>I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on April 17, 2003 to TC 1600 for the Fax Center at (703)-872-9306.</p> <p align="center"></p> <p>_____ Signature</p> <p>Edwin S. Flores</p> <p>_____ Typed or printed name of person signing certificate</p>

Commissioner for Patents
Washington, DC 20231

RESPONSE TO OFFICE ACTION

Sir:

Please find below a Response to Office Action in response to the Non-Final Office Action mailed October 23, 2002. Enclosed please find a three-month extension of time, which brings the time for reply to April 23, 2003.

Remarks begin on page 2 of this paper.